

Amendment and Response
Serial No.: 09/888,943
Confirmation No.: 9282
Filed: 25 June 2001
For: RESPIRATOR VALVE

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Remarks

The Final Office Action mailed June 29, 2004 has been received and reviewed. Applicants are filing herewith a Request for Continued Examination (RCE) and, in this paper, canceling claims 1-14, amending claim 15, and presenting new claims 19-47. Upon entry of this paper, claims 15-47 will be pending. Reconsideration and withdrawal of the rejections set forth in the Final Office Action are respectfully requested for the reasons set forth below.

Office Action from Co-Pending Application

Applicants bring the attention of the Examiner to the Office Action received in connection with a co-pending application (U.S. Application No. 09/888,732) in which various claims were rejected under obviousness-type double patenting over claims 1-18 in the present application. A copy of that Office Action (dated 20 August 2004) is attached as Exhibit A.

Allowable Subject Matter

Applicants note that claims 6 and 7 were indicated as allowable if rewritten in independent form. Before cancellation, claim 6 depended from claim 5 which, in turn, depended from claim 1. Claim 7 depended from claim 6.

In place of incorporating claim 6 and its intervening claim 5 into independent claim 1, Applicants have incorporated the recitations of canceled claims 5 and 6 into claim 15 which was directed to a respirator including a unidirectional valve. The unidirectional valve recited in claim 15 included all of the recitations of canceled independent claim 1.

As a result, Applicants respectfully submit that amended claim 15 includes the subject matter indicated as allowable in the Final Office Action.

New dependent claims 19-27, all of which depend from claim 15, are presented to provide more comprehensive protection for Applicants' invention. These claims largely parallel canceled claims 2-4, 7-11, and 14.

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In view of the above, Applicants respectfully submit that claims 15-27 are allowable as presented and notification to that effect is requested.

New Claims 28-47

New claims 28-47 are also presented to provide more comprehensive protection of Applicants' invention. Support for new claims 28-47 can be found throughout the application as filed. Many of the claims recite the features presented in the original claims. With respect to the valve flap curvature recitations found in independent claim 28 (and its dependent claims 29-32) and independent claim 38 (and its dependent claims 39-42), support can be found at, for example, page 6, lines 3-23; page 11, lines 1-15, and Figures 3-4. With respect to claims 36, 37, 46, and 47, support can be found at, e.g., page 8, lines 1-25 and Figure 5a. Entry and consideration of these new claims are respectfully requested.

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Summary

It is respectfully submitted that the pending claims 15-47 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
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19 OCTOBER 2004
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19th day of October, 2004, at 12:22 p.m. (Central Time).

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